

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5100-01
Bill No.: HB 1993
Subject: Sunshine Law
Type: Original
Date: March 15, 2016

Bill Summary: This proposal modifies provisions relating to the Missouri Sunshine Law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Other State Funds	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender**, the **Department of Higher Education**, the **Department of Public Safety - Missouri Gaming Commission**, the **Department of Public Safety - Capitol Police**, the **Department of Public Safety - Office of Adjutant General**, the **Missouri State Employees Retirement System**, the **MoDOT and Patrol Employees Retirement System**, the **Office of the State Courts Administrator**, the **St. Elizabeth School District**, the **Office of the State Treasurer**, the **Missouri Consolidated Health Care Plan**, the **Missouri Senate**, the **State Tax Commission**, the **West Plains School District**, the **Office of the Governor**, the **Kansas City Public Schools**, the **Kearney School District** and the **Department of Agriculture** each assume the current proposal would not fiscally impact their respective organizations.

Officials from the **Department of Public Safety - Missouri Veterans Commission (MVC)** assume the fiscal impact is unknown; however, potentially significant fiscal impact due to an increase in requests that would then require another attorney for review process.

Officials from the **Department of Natural Resources (DNR)** state that the proposal would require that a public governmental body segregate closed records from open records at its own expense. The proposed changes to the section of the Sunshine Law that addresses fees, Section 610.026.1, RSMo, adds language explicitly stating that research time only includes the time spent locating the responsive records and would not include any time spent reviewing for closed records.

Although it is impossible to anticipate the number of times these situations would occur in future Sunshine Law requests, for purposes of this fiscal note the department assumes the changes proposed could result in additional costs to the department. The department assumes the unknown costs would not exceed \$100,000 annually.

Officials from the **Missouri Lottery Commission (LOT)** assume this proposal requires that the custodian of records for each public governmental body create and maintain an index of all public records maintained by its public governmental body. The LOT estimates this proposal will require one new FTE, an Administrative Office Support Assistant (\$27,773 annually), whose duties would include creating, updating and maintaining an index of public records.

Officials from the **Webster Groves School District** assume based on experience this could result in a cost of approximately \$25,000 depending on the number of sunshine requests and the need for creating a new record keeping format.

ASSUMPTION (continued)

Officials from the **County of Cole** assume this proposal creates additional duties for public employees without compensation. Specifically, changes the sections 610.020 and 610.023, RSMo, mandates additional actions and duties for Cole County employees by requiring that the Clerk's office create an index of all records and that the County additional provide copies of meeting notices to however many members of the public ask for this, in addition to news media. Both these provisions will result in additional cost to Cole County, the amount of which cannot be determined at this time. Changes to sections 610.024 and 610.026, RSMo, would prohibit the recovery of Cole County employee time spent determining which records are closed and which are open and also employee time spent separating these records, which would presumably include time spent redacting portions of records that contain both closed and open information. The consequence of this proposal may be that the County has to hire additional personnel to handle these requests.

Officials from the **Joint Committee on Public Retirement** state that this legislation would not create a substantial proposed change in future plan benefits as defined in Section 105.660(10).

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Office of Prosecution Services** assume this legislation would result in a negative fiscal impact to local prosecutors' offices, the results of which are unknown and difficult to calculate. This proposal would require additional duties and the re-designing an electronic database system to accommodate, both of which would create an unknown negative fiscal impact to MOPS and/or local prosecutors' offices.

Officials from the **Office of Administration - Budget and Planning** assume if these funds are reimbursements or cost recoveries, the proposal would not impact total state revenue. If the funds are fees for service, then revenue would decrease by an unknown amount because state agencies would no longer be able to charge for time used to determine if an item is sunshine request applicable. Agencies, under sunshine law requests, charge for doing research work or large information copying and then most commonly deposit the revenue into the state treasury. Therefore, if the funds are classified as something other than a reimbursement or cost recovery, total state revenue would be impacted by a corresponding amount. As this proposal would eliminate the ability to charge for the time to determine if a specific piece of information is sunshine eligible, General Revenue and other state funds would be correspondingly reduced.

ASSUMPTION (continued)

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** state their department can absorb the additional workload that would result from creating and maintaining a simple index of department public records, by subject, within existing appropriations. However, should the workload be more than anticipated or should the index be required to be very detailed, the department would request additional appropriation and/or FTE through the budget process to cover the additional costs.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE FUND			
<u>Costs - OA - B&P</u>			
Research time for sunshine requests	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
OTHER STATE FUNDS			
<u>Costs - Various State Agencies</u>			
Research time for sunshine requests	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON OTHER STATE FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
LOCAL GOVERNMENTS			
<u>School Districts -</u>			
Costs for new requirements by the sunshine law requests	(Unknown)	(Unknown)	(Unknown)
<u>Political Subdivisions</u>			
Costs for new requirements by the sunshine law requests	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal modifies the way sunshine requests are handled.

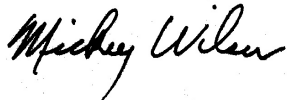
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Public Defender
Department of Higher Education
Department of Public Safety
 Missouri Veterans Commission
 Missouri Gaming Commission
 Capitol Police
 Office of Adjutant General
Missouri State Employees Retirement System
MoDOT and Patrol Employees Retirement System
Office of the State Courts Administrator
St. Elizabeth School District
Office of the State Treasurer
Missouri Consolidated Health Care Plan
Missouri Senate
State Tax Commission
West Plains School District
Office of the Governor
Kansas City Public Schools
Kearney School District
Department of Agriculture
Department of Natural Resources
Missouri Lottery Commission
Webster Groves School District
County of Cole

SOURCES OF INFORMATION (continued)

Joint Committee on Public Employee Retirement
Attorney General's Office
Office of Prosecution Services
Office of Administration - Budget and Planning
Department of Insurance, Financial Institutions and Professional Registration



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March 15, 2016

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March 15, 2016